

**TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD**

vs.

**CARLES ALLEN WEBB, JR.  
TX-1322166-R**

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**DOCKETED COMPLAINT NO.  
05-073**

**AGREED FINAL ORDER**

On this the 29<sup>th</sup> day of February, 2008, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Carles Allen Webb, Jr., (Respondent). The Board makes the following findings of fact and conclusions of law and enters this Order in accordance with TEX. OCC. CODE § 1103.458:

**FINDINGS OF FACT**

1. Respondent Carles Allen Webb, Jr. is a Texas state certified residential real estate appraiser, holds certification number TX-1322166-R, and has been certified by the Board during all times material to the above-noted complaint case.
2. Respondent is subject to the jurisdiction of the Board, the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103 et. seq. (the Act), the Rules of the Board, 22 TEX. ADMIN. CODE §§ 153, 155, 157 (the Rules), and the Uniform Standards of Professional Appraisal Practice (USPAP) in effect at the time of the appraisal.
3. On or about August 28<sup>th</sup>, 2001, Respondent conducted a review appraisal of an appraisal performed by Jay Westrick on real property located at 27307 Doverbrook, Huffman, Harris County, Texas ("the property").
4. On or about February 4<sup>th</sup>, 2005, the Complainant, Scott A. Turlington, Vice President of the Loss Mitigation Department with First Franklin, filed a complaint with the Board. The complaint alleged that the Respondent had produced an appraisal report that was inflated and contained potential violations of the Uniform Standards of Professional Appraisal Practice.
5. On or about February 8<sup>th</sup>, 2005, the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOVT CODE ANN. § 2001, and TEX. OCC. CODE CHPT. 1103, notified Respondent of the nature of the accusations involved and Respondent was afforded an opportunity to respond to the accusations alleged by the Complainant. Respondent's response was received.
6. Respondent violated 22 TEX. ADMIN. CODE §§ 153.20(a)(3) and 155.1(a) by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal report:

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- a. Respondent failed to comment and address the purpose of the assignment, the intended use and the subject of the appraisal;
  - b. Respondent failed to develop and address the completeness of the material reviewed under the scope of work applicable to the assignment, the apparent adequacy and relevance of the data and propriety of any adjustments; and the appropriateness of the appraisal methods and techniques used and develop reasons for any disagreement;
7. Respondent violated 22 TEX. ADMIN. CODE § 153.20(a)(9) by omitting material facts in his review appraisal report. These material misrepresentations and omissions of material fact include: failing to include pertinent sales data material.

#### CONCLUSIONS OF LAW

1. The Texas Appraiser Licensing and Certification Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103 et. seq.
2. Respondent violated the following USPAP provisions as prohibited by 22 TEX. ADMIN. CODE §§ 153.20(a)(3) and 155.1(a): USPAP Standards Rules: 3-1(a), 3-2(a), 3-1(b)(iii), 3-2(b), 3-1(d), 3-2(d), 3-1(e), 3-1(f), 3-1(g), and 3-2(e).
3. Respondent violated 22 TEX. ADMIN. CODE § 153.20(a)(9) by making omissions of material facts in his appraisal report.

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that the Respondent:

- a. Shall attend and complete a minimum, 15 classroom-hour course in USPAP;
- b. Shall pay to the Board an administrative penalty of \$1,000.00; and,
- c. Comply with all provisions of the Act, the Rules of the Board, and USPAP in the future, or be subjected to further disciplinary action.

**ALL CLASSES** required by this Agreed Final Order must be classes approved by the Board and must be completed within **TWELVE MONTHS** of the date of this Order and documentation of attendance and successful completion of the educational requirements of this Order shall be delivered to the Board on or before the end of the twelve-month period indicated. None of the classes or seminars required by this Order may be taken through correspondence courses. All classes must be in-class, have an exam, and Respondent must have a passing grade on the exam given in each class. None of these required classes will count toward Respondent's continuing education requirements for certification.

Payment of the **ADMINISTRATIVE PENALTY** must be by certified funds, and must be completed within **TWENTY DAYS** of the date of this Agreed Final Order.

Failure to comply with any of the terms of this Final Agreed Order shall result in initiation of a contested case proceeding against Respondent and after opportunity for a hearing, possible imposition of disciplinary sanctions against Respondent.

Respondent, by signing this Agreed Final Order, neither admits nor denies that the findings of fact and conclusions of law herein set forth are correct; however, Respondent consents to the entry of this Agreed Order to avoid the expense of litigation and to reach an expeditious resolution of this matter. Respondent also agrees to satisfactorily comply with the mandates of this Agreed Final Order in a timely manner.

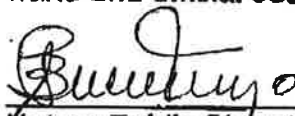
Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published in the Board's newsletter and/or on the Board's web site.

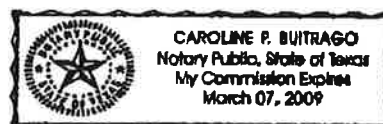
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 15 day of FEB, 2008.

  
CARLES ALLEN WEBB, JR.


SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 15 day of FEB, 2008, by CARLES ALLEN WEBB, JR., to certify which, witness my hand and official seal.

  
Notary Public Signature  
Caroline P. Buitrago  
Notary Public's Printed Name



Signed by the Commissioner this 28th day of February, 2008.

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Timothy K. Irvine, Commissioner  
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 29<sup>th</sup> day of FEBRUARY, 2008.

  
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Larry Kokel, Chairperson  
Texas Appraiser Licensing and Certification Board

*Larry Sayers*